## JIM IRVING ON TRIAL

A Striking Illustration of the Late Style of Conducting an Election.

The Murderous Assault on Marshal Dowley.

## Ex-Judge Pierrepont Special Prosecutor.

sergay the December term er the United States Orrent Court opened at eleven o'clock, before per of lawyers and of the puone generally, with a stripe, were in attendance, expecting to hear the ex Member of Assembly, who is indicted for violent assault upon Deputy Marshal Dowley. The irrepres-It it would please him to put a French roof on the Diatrict Attorney or any other man. He was reprented by ex-Judge Fullerton, Mr. Charles Donohue and Mr. Charles S. Spencer as counsel, and ex-Judge Pierrepont appeared as special District Attorney to conduct the prosecution, with Mr. Davis and Mr. Purdy as assistants.

OPENING PROCEEDINGS. District Attorney Davis said that, under the provisions of the Judiciary act, the Attorney General ad appointed the Hon. Edwards Pierrepont special attorney, and he moved that Mr. Pierrepont take the

Mr. Presupport accordingly took the oaths.

The COURT-Have you any criminal business to move, Mr. District Attorney?

The DISTRICT ATTORNEY - A large number of cases THE UNITED STATES VS. JAMES INVING. The COURT-It is the first case on the calendar.

Mr. FULLERTON, one of Irving's counsel-We are ready.

Judge BENEDICT then called the criminal calen MINER. THE ALLGED COUNTERPEITER.

In this case Mr. Phelps, of counsel for defendant, aid that he should be ready for trial but there was a large number of witnesses to be brought from a distance, and he did not wish them to be brought here unnecessarily. He asked the government to mame a day for the trial. Mr. FULLERTON-We are ready to try the case if

the government will fix a particular day.

After some further discussion the District Attorney fixed Monday next for the trial of the case.

SWEARING A JURY.

Mr. Stilwell, Deputy Clerk of the Court, then proeeded to call and swear a jury for the trial of Jim

Mr. Babcock, the first juror called, was questioned as to whether he had read of this case and come to any conclusion about it. He said, "I have heard of the case, though I did not go into the details, and I have formed no opinion about it." He was sworn Mr. Slade, the next juror, was similarly questione l. He said he had seen an account of the thing in the papers, with a heading, but did not read it and had formed no opinion about it. He also was

Mr. Gregory. In reply to similar interrogatories, mit. Gregory, in reply to similar interrogatories, said he had heard of the case, but had formed no opinion or impression about it. Sworn.

Mr. Gale was questioned in the same fashion and gave answers the same as the above. Sworn.

Mr. C.cment Jewett stated, in reply to questions, that he had heard of the case, but did not recollect having read it. He had formed no opinion on it at all.

Mr. Gage, Mr. Goodall, Mr. Page, Mr. Douglass, Mr. Rainey, and the other jurors sworn all gave answers exactly the same as those brought out by the interrogatories to the other jurors.

Kingman F. Page, Francis Goodall, William Gale, Francis Goodall, Ganuel D. Babcock, Glemont Jewell, Seinh H. Hill.

MR. PIERRESPONT OPENS FOR THE FROSECUTION.

Banuel D. Babcock, Seiah H. Hill.

MR. PIERREPONT OPENS FOR THE PROSECUTION.

Mr. PIERREPONT Stated the case for the prosecution. He said:—If Your Honor please, it is Bt that I should state now it nappens that I appear in this case as Special District Autorney, and sworn in as I have been. It was expected this case would be tried several days ago before Judge Woodruff. My friend, the District Autorney, Judge Davis, was to have tried the case; but a sad affliction happened in his family in the death of his daughter. He was called away from his office, and he sent one of his assistants asking if I would try the case in consequence of that affliction. I agreed to do so, and he sent to the Attorney General for a commission making my appointment. It is in this way, gentlemen, that I appointment. It is in this way, gentlemen, that I appear in this case. The case I now present to you is one very rarely presented to any jury. I hope it is the only one of the kind that has ever been presented to a jury. Indeed, i hardly knew of such a case before. You are to try the prisoner for rescuing a prisoner who was taken under a warrant of the United States Marshal, and beating the Marshal and beating see before. You are for try the prisoner for several processes before. You are for try the prisoner for several processes before. You are for try the prisoner for several processes before. You are for try the prisoner for the pris

THE COURTS

going to his coach. Immediately Jim turned back with als companions, came up to the Marshal and naid. "What is the master?" The Marshal said, "Nothing is the master. I am a United States Marshal. I have a warrant for the arrest of Geoghegan." Geoghegan struck the Marshal on the head. Irving said, "To hell with the United States Marshal; pitch into him, the son of a b—h; give it to him." They both struck him; he was knocked kewn and bastled. He got up, and when he reached the other side of the atreet, on the carbstone, he was thrown down again and his assailants stamped their lest on his face. When he was trying to rise one of the party drew a heavy pistol and struck him on the back of the head, leaving him nearly dead. He was taken up by his companions bleeding. He was stabbed through the check with a knife, and also received six severe wounds on the back of the head. Across his nose he was struck with some hard substance. His eyes were so swoten that the checks and the nose were upon a level. He was taken to a drug store bleeding. His coat and shirt were covered with blood. He fainted, or nearly fainted, and could not help himself, and after his wounds were dressed he was removed in a carriage to his home. He was till and confined to his room for three weeks. He was attended by physicians, who will testify as to his condition. These are the facts of the case. The extreme punishment for this offence is two years' imprisonment. The Case of Jordan and Ryan-A New Assess ment Ordered in the Riverside Park Litigation-Verdict Against the Third Avenue Railroad Company-A Heavy Verdict in the Black Friday Suit-Action for the Loss of a Leg-Clearing

Off Day in General Sessions.

As Action Against the Government to Recove for Services Roudered in Carrying the California Mails-Senator Morrill Contesting for the Receyery of Land in Western WASHINGTON, D. C., Dec. 6, 1871.

No. 9. George Chorpenning vs. The United States— Appeal from the Court of Claims.—This case is in-Appeal from the Court of Claims.—This case is ismiliar. The petition was filed in the Court below to recover \$176,576 37 alleged to be due the appellant for services for carrying the mails in California between the years 1851 and 1854 and payable to him, as claimed by virtue of the Act of March 3, 1857, for his relief. The Court found that under the drst section of the act the Postmaster General had the exclusive jurisdiction and authority to estile and adjust the ciaim, and that having made decision and award thereon which was accepted by the ciaimant, the settlement was final and conclusive upon the claimant; and the Court of Claims had no authority or jurisdiction to hear or determine the matter or to correct or change the award of the Post Office Department. On appeal from that decision the case was brough here, where it is now submitted on the printed bries of the government, maintaining the judgment of the Court below. No brief is filed for the claimant. Solicitor General Bristol and Assistant District Attorney for the government.

No. 10. James Armstrong et al. vs. Lot M. Mor-

weeks. He was attended by physicians, who is testify as to his condition. These are the lacts of the case. The extreme punishment for this offence is two years' imprisonment.

TESTIMONY FOR THE PROSECUTION.

As the first winness was about being sworn Mr. Pierrepont made a statement in reference to the propriety of keeping the witnesses out of court during the hearing of the testimony of each witness on the stand. The witnesses were ordered out of court till called for.

Mr. John E. Kennedy testified as to the correctness of the diagram of the place where the alleged outrage took place.

said, "I am a Un ted States Marshal and I have a warrant for your arrest; I would like you to come along with me;" he said, "Hold on a minute, I want to go inside;" I said, "You can't go inside;" then

to go inside;" I said, "You can't go inside;" then he said,
"COME ON, BOYS, AND GIVE THE MARSHAIS HELL;"
immediately after saying so he called out, "Jim, Jim Irving;" at that call a man whom I supposed to be Jim Irving stepped up to me and said, "What is the matter here?" I said, "There is nothing the matter; I am a United States Marshai; I have a warrant for this man's arrest;" as I said so I was assaulted; I exclaimed several times in a loud voice, "I am a United States Marshai;" how I got across the street I don't know; I was found lying on my face on the opposite sidewalk; I was stabbed in the right cheek and received several wounds in the head; I was carded into a drug store and had my wounds dressed; was attended by physicians; there were altogether six wounds on my head. (The witness pointed out a scar on his right cheek.) Geoglegan was rescued from me and I have not seen him since; during the assault there was sufficient light from the store and the lamps to enable me to recognize amybody whom I had ever seen before.

At this stage of the proceedings the Court adjourned until eleven o'clock this morning.

Mr. John E. Kennedy testined as to the correctness of the diagram of the piace where the alleged outrage took place.

TESTHOMY OF PREDEBICK BERNHARD.

Frederick Bernhard, sworn—I am a Deputy United States Marshal, and was employed in that capacity on the cits of November last; on that evening, in company with Deputy Marshals Dowley and O'Brien, I want to Geoghegan's public house, at the corner of Friteenth street and avenue B: Dowley had a warrant for the arrest of Geoghegan, issued by Commissioner Darenport; I recognize the warrant and the blood upon it as that of Dowley's, on going to the spot we sent a man into the store to see if Geoghegan was there, and at once a crowd of mon came out; they were followed by a man in its shirt sleeves, who bade them goodings; to was the proposed of the were kir. Heeginggan; to said he was, and Dowley in the face, saying, almost at the same moment, "Give him hell, the son of b—h.?" the crowd, which has gone down Filteenth street, returned, and the prisoner was rescued; Dowley ran to the opposite side of the street, followed by Geoghegan and Irving; I was struggling with the crowd and saw Dowley increotentily attempting to escape; when the afray was over I took Dowley into a drug store in avenue B; he was then in apparently a dying condition; I told a policeman of the matter, and he said we should not have got into such a crowd; I have know Irving about four years and cannot be mistaken in his appearance; I see him now in Court; since this occurrence I have made efforts to find Geoghegan, but have not found him. (The warrant for his arrest for violating the Election law was here read and identified.)

We started from Ludlow Street Jail on the evening in question and called at six places before reaching Geoghegan, but have not found him. (The warrant for his arrest, and man was given to me to Keep from drinking too much before proceeding to effect the arrest of Geoghegan, nor was I advised to take some stimulants, as I would want them; I saw a man named First mon was given to rill-Error to the District Court for the District of West Virginia—This was an action of ejectment instituted in 1857 by Loi M. Morrill (present Senator from
Maine) and others to recover a tract of 1,500 acres
of land granted by the Commonwealth of Virginia
to Albert Gallatin by patents bearing date 10th of
February, 184d. In 1856 a vordict was rendered in
favor of Morrill for all the land, except as to forty
acres covered by another patent. The questions on
the trial were as to the derivation of the title, and
the evidence was mostly documentary. The plaint
in here took exceptions to the ruling of the Court
in the admission of evidence, and the cause is now
argued on the lechnical questions so raised. Messrs.
Smith & Evarts for plaintiffs in error: George D.
Camden for defendant.

UNITED STATES CIRCUIT COURT.

The Case of Generals Jordan and Ryan. Before Judge Benedict.
The District Attorney said ne was ready in the

case of the United States vs. Thomas Jordan and intended to move it. Mr. Phelis, for General Ryan, said he also was

ready.
The case was set down for Monday next after the Miner trial.
In the case of the United States vs. William O'C. Ryan the defendant was called but did not answer and no counsel appeared for him.
Mr. PURDY—I move for the issue of a bench war-

The Court—Take the order. The Eric Railway Litigation.

White, respecting the shares of Erie Railway stock claimed by Heath and Raphael, the English shareclaimed by Heath and Raphael, the English share-holders, to be their property, was resumed yester-day. Mr. Southmayd and Mr. Tweed appeared for Heath and Raphael, and Mr. Beach and Mr. Morgan for the Erie Railway Company. A statement having been made to the Master that the Erie Company were expectiting as fast as possible the filling up of the certificates, which are to be placed in lieu of the certificates alleged to have been wrongrully detained by the Erie Company from Heath and Raphael, the reference was adjourned for a week. It is expected that at the next session before the Master all, or nearly all, of the certificates will be produced, properly filled up, signed and stamped.

A New Assessment To Be Made in the River-

side Park Case. Before Judges Ingraham, Barnard and Cardozo. The opinion of the Court in the matter of the Riv-erside Park assessment was delivered by Judge Inmarshal Sharpe; on the 6th of November I went with Deputy Marshals Dowley and Bernbard to arrest Owen Geoghegán at his store, corner of Pricenth street and avenue B; I entered the store and found that our man was inside, while my companions remained on the outside; a coach drove up, and three or four men, who came out of it, entered the store; among these was Mr. Irving, whose name I had not previously known, but with whose appearance I was familiar.

Instituony of the Marshal, since 18:9; the warrant that has been ordered in evidence was given to me to serve on the 6th of November 18st; I took with me to arrest Geoghegan, O'Brien and Bernbard; in looking for Geoghegan we went to several places that an expected the store; I went up to him and asked, "Is this Mr. Geoghegan whose name of Process. Onclusion:—"It is to be regretted that a new report of the Commissioners, out as two of them are away and cannot at once be made by the present Commissioners, out as two of them are away and cannot at once the matter it will be necessary opened yesterday, when Judge Benedict.

The December term of the Circuit and District open described in the matter it will be necessary opened yesterday, when Judge Benedict.

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The December term of the Circuit in New York, ourselved the store; I would like you to come warrant for your arrest; I would like you to come warr nade to this Court from the order of the Special sents a partially dissenting opinion. He says—"I concur that the order is appealable. As bearing on that question, the case of king vs. The Mayor, &c., 36 N. Y., 190 may be added to the authorsties referred to by Judge Ingranam. I also agree that the Court had not the power to direct the Commissioners to estimate the damage at a sum which the Judge fixed instead of leaving it to the Commissioners, and that for that reason the order should be reversed and the matter take the course suggested by Judge Ingraham."

The Cases of McNevius, Okell and Lookup Evans.

In the cases of William H. McNevins, convicted of murder, William Okell, convicted of receiving stolen bonds, and "Lookup" Evans, convicted of abortion, arguments were heard on appeal. The facts in all these cases have seen too frequently published to require repetition. The exceptions were to portions of the evidence and portions of the Judge's charges, and embraced outside of this about the same lines of argument as taken at the respective trials. The Court reserved its decision in each case.

SUPREME COURT-GENERAL TERM.

Decisions. By Judge Brady. Rollins vs. Mynagh,-Motion granted.

Goodenough et al. vs. Manning.-Reference or-

Jones vs. Bonendall .- Motion granted, \$10 costs to

Jones vs. Bonendall.—Motion granted, \$10 costs to plaintiff to abide event.
Christy vs. Dawson.—I think the substitution should be allowed on the payment of \$35.
Marsh vs. Saiomon et al.,—Motion granted.
Hoyt et al. vs. Sprague et al.—Case settled.
By Judge Cardozo.
In the Matter of the Fettlion of Joseph Farrell.—Order granted and bonds approved.
Laura A. Sanford et al. vs. Levina S. White et al.—Order of sale and judgment in petition granted.

SUPERIOR COURT-TRIAL TERM-PART 2.

Verdict Against the Third Avenue Railroad Company. Before Judge Spencer.

Thomas Hamilton vs. The Third Avenue Railroad Company .- In this case, the full particulars of which have been published in the Herald, and which, it will be remembered, was a suit for \$5,000 damages for being ejected from a Third avenue railroad car, the jury gave yesterday a verdict of \$500 for the plaintiff.

COURT OF COMMON PLEAS-PART I.

The Black Friday Case-A Heavy Verdict. Before Judge J. F. Daly. Cameron vs. Derkheim, Cox and Kemmeys.-In this case, the trial of which lasted eight days, and the particulars of which have already appeared in the HERALD, the jury brought in a sealed verdict for the plaintiff for the sum of \$35,556 02.

Action for the Loss of a Leg-\$4,000
Awarded by the Jury.

John P. McTerney vs. James Murphy and Hugh
smith.—This case, which was partially tried a Hew weeks since, when the facts appeared in the Herald, was again tried yesterday, and resulted in a verdict for plaintiff for \$4,000 damages for the loss of his leg by being run over by one of the detendants' stages on the 17th of September, 1864.

COURT OF COMMON PLEAS-SPECIAL TEAM.

Decisions. By Judge Robinson. Lathquie, Administratiz, et al., vs. Harkins et Al.—Judgment and foreciorure sale for \$4,465 cs.

By Judge Larremore.

Liebman vs. S'emeriz.—Reference orderedsouthact vs. Cooper.—Same.

Hopper vs. Fighn.—Same.

Krabar vs. Lowenstein.—Same.

Kock vs. Kock.—Same.

COURT OF GENERAL SESSIONS Grand Larcenies and Burglaries. Before Judge Beaford.

There were a large number of cases disposed of yesterday in the General Sessions. Michael Trainor and Thomas Doyle, charged with burgiariously entering the premises of Emanuel Strauss, No. 7 avenue D, on the 23d of November, pleaded gulity to an attempt at burgiary in the third

Mr. PELLOWS said that he could not convict them

Judge SEDFORD, in passing sentence, said:—The Grand Jury nave indicted you two men for burgiary in the third degree. The representative of the people tells the Court, after an examination of the testimony, he has concluded to take a plea of an attempt, it being in law only an attempt to commit that crime. Doyle, you are a professional thief and bugiar, and upon you was found a "jimmy." Trainor, you are another thef, and you had a burgiar's bag. I shall send each of you to the State Prison for the full limit—two years and six months at hard labor.

Danield McDonaid, who, on the 9th of November broke a showcase belonging to Pnillip P. Meyer, and attempted to steal some sliverware, pleaded guilty, and was sent to the Penitentiary for eighteen months.

Henry Schmidt was convicted of an attempt

months.

Heury Schmidt was convicted of an attempt at grand larceny in stealing a coat valued at \$50 from George J. Baker, on the 14th of November. He was remanded for sentence.

Michael McGinn was tried and convicted of stealing a wagon on the 25th of November, the property of Peter J. Bommer, corner of Thirteenth street and Fourth avenue. An odicer found the prisoner in possession of the wagon at midnight. The Judge postponed the sentence till Friday.

On the 28th of February a burglary was committed upon the lancy store of Hunt & Dusenbury, in the Astor House building, and \$300 worth of property stolen. William Maher (who has escaped to Canada), Lawrence Casey, John Casey and Timothy Kelly, youths, were arrested and charged with the crime. Lawrence Casey and Timothy Kelly were sent to the House of Refuge and John Casey was discharged.

Henry Dieffenbach pleaded guilty to petty larceny from the person in stealing, on the 29th of November, \$23 from Anna Burroughs. He was remanded guilty to an attempt at burglary in the third degree, the charge being that they entered the grocery store of Henry Keany on the 31st of october and stole \$17. They were each sent to the Penitentuary for two years.

Thomas McCormick. who, on the 23d of November,

James McAllister pleaded guilty to an attempt at grand larceny. He was indicted for stealing clothing, a olanxet and a sieigh robe, valued at \$120, on the 20th of November, the property of Honora Crowies, 155 West Forty-fird street.

Judge Bedford, in sentencing the prisoner, said he was a bold sneak thief, and he would sentence him to the State Prison for two years and six months.

him to the State Prison for two years and six months.

ACQUITTALS.

Thomas Smith was tried upon a charge of stealing a gold watch from Charles Burke while dozing in a liquor saloon on the 2d of October. The evidence was circumstantial, and the jury, celeving it to be insufficient to convict him, rendered a verdict of not guilty. The Judge said to the prisoner upon the rendution of the verdict:—You may well laugh; the jury made a great mistake; I know all about you; you have been out of the State Prison eight months. The next time you come here the District Attorney will convict you.

James Burgess and Henry Johnson were acquitted of a charge of larceny from the person, the complainant being Gerhart Mathewson, whose watch was taken while riding upon a Third avenue car on the 24th of October. The defendants were standing upon the rear platform, which was crowded, and the complainant left the accused pressing against him. They jumped off the car and were immediately arrested, but the watch was not found.

It is understood that Recorder Hackett will preside during the remainder of the month and releve Judge Bediord, who, since the commencement of the term, has disposed of nearly one hundred and forty cases, which is an extraordinary month's work.

COURT CALFADARS-THIS DAY.

COURT CALENDARS—THIS DAT.

SUPPREME COURT—OHAMBERS—Held by Judge Cardozo.—Nos. 29, 33, 41, 42, 55, 80, 89, 91, 98, 101, 102.

SPECIAL TREM—Held by Judge Barnard.—Nos. 83, 84, 86, 87, 88, 88, 90, 91, 92, 93, 94, 86, 96, 97, 98, 99, 109, 101, 101, 103, 104, 105, 106, 107, 103, 109, 110, 111, 112, 113. CIRCUIT—Part 1—Held by Judge Van Brunt.—Nos. 191, 169, 639, 323, 3, 656, 619, 651, 683, 683, 683, 685, 687, 693, 697, 699, 703, 705, 707, 709, 713. Part 2—Held by Judge Brady.—Nos. 842,4, 334, 562, 642, 1022, 1024, 1474, 502, 396, 400, 422, 26, 396, 270, 470, 412, 414, 28, 342, 418.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Monell.—Nos. 749, 979, 274, 965, 533, 303, 47, 545, 731, 493, 915, 1385, 645, 1143, 1185. Part 2—Held by Judge Spencer.—Case on.

Jingg Money - Nos. 7127, 3185, 645, 1143, 1185. Part 2—Held by Judge Spencer.—Case on.

Common Pleas—General Term—Held by Chief Justice Daly and Judges Robinson and Loew.—Nos. 72, 42, 45, 51, 63, 86, 94.

Common Pleas—Trial Term—Part 1—Held by Judge J. F. Daly.—Nos. 1047, 345, 1103, 393, 1027, 727, 046, 947, 1136, 1801, 876, 1023, 68, 192, 514, 882, 408, 407, 1130, 712, 351, 172, 998, 1048, 192, 514, 882, 408, Marine Court—Trial Term—Part 1—Held by Judge Aiker.—Nos. 7309, 7418, 5240, 7422, 7052, 6724, 7016, 7180, 7363, 7461, 7430, 7464. Part 2—Held by Judge Shen.—Nos. 7127, 3131, 7331, 6693, 6288, 7046, 7020, 7048, 7250, 7354, 6570, 7420, 7421, 7462. Part 3—Held by Judge Joachimsen.—Nos. 8135, 7971, 7971 ½, 8264, 8266, 8267, 8268, 8269.

motions, will be in attendance in Brooklyn every morning until ten o'clock, save on Saturdays. In the District Court return of process was made in the case of figury W. Race and others against 9,881 dry ox and cow bides. The property was at tached and claimant allowed a week to file an an

swer.

Return of process was made in the case of the United States against five packages of distilled spirits. No claimant appeared, and the property was condemned and ordered to be sold.

SUPREME COURT -SPECIAL TERM.

An Offal Row. Before Judge Pratt. Joseph A. Moller and Others vs. Edward Clark.

The plaintiffs in this case are sugar refiners, doing business in the Eastern District, and they bring action to restrain the defendant, who has a contract with the city to remove the offal of that district, from placing offal or other offensive substance on the dock at the foot of Division avenue. They likewise suc to recover damages in the sum of \$20,000 for injuries alleges to nave been done their business. Judge Gilbert had previously granted a temporary injunction, and yesterday the case came up before Judge Pratt on the motion of Mr. E. T. Wood, plainting counsel, to have the injunction made bermanent. Counsel submitted affidavits showing that the immediate vicinity of the dock is thickly populated, that there were refineries and other factories running there night and day, and that the depositing of the offal at the dock was very detrimental to the health of all about there. He held that it was the duty of the city and the Board of Health to see that such a nuisance did not exist in such a thickly populated neighborhood, and that it was their duty to have the offal removed through the least offensive channet.

Mr. D. P. Hannard, for the defendant, argued tion to restrain the defendant, who has a contract

in such a thickly populated ueighborhood, and that it was their duty to have the offal removed through the least offensive channel.

Mr. D. P. Bannard, for the defendant, argued that Clark was not responsible, and, in support of this argument, submitted the agreement between Clark and the city and the order of the Health Board that this dock should be used. Mr. Barnard argued further that the Court had no power to say to what part of the city the offal should be removed, but that it could only compel the defendant to do his work properly. He stated that the South Sixth street dock had been used during the temporary injunction, and that a similar highaction was about to be applied for to prevent the use of that.

Corporation Counsel Dr Witt said that if the city was not permitted to remove the offal to lighters at the Division avenue dock, which is the only one they (the city) control, the offal must lay in the street. He thought that the rennery and distillery in the neighborhood were as great a nuisance as the dead animals on the dock.

Judge Pratt decided to dissolve the injunction during the pendency of the suit.

CITY COURT

Sent to the Penitentlary for Keeping a Disorderly House. Before Judge McCue.

Madame St. Clair and Alfred St. Clair, ber hus and, were tried yesterday for keeping a disorderly house at No. 42 Freet street. Numerous complaints having been made against the house by parties in the vicinity Sergeant Van Wagner, of the detective force, and a squad of his men made a descent on the night of the 23d of November and arresped the St. Clairs and several men and women whom they found there. This house was frequently visited by married men and women, some of whom moved in the best circles of society; and one witness testified yesterday that he had seen married men go there and their wives follow later to see if they could find them there.

The defence denied that the house was a disorderly one, and several witnesses were examined who lived in the vicinity, and who swore that they never saw anything wrong about the house.

The jury however, convicted the prisoners, and Judge McQue senienced each of them to the Pententiary for six mouths. Madame St. Clair burst into tears upon receiving the sentence. house at No. 42 Fieet street. Numerous complaints

BROOKLYN COURT CALENDAR.

CITY COURT.—Nos. 63, 31, 33, 34, 38, 51, 56, 57, 67, 102, 134, 135, 143, 144, 147, 151, 191, 192, 198, 211, 233, 317, 534. Criminal Branch.—Trial of alleged election frauds.

COURT OF APPEALS

The following is the Court of Appeals day calendar for December 7:—Nos. 424, 324, 374, 441, 442, 411, 399, 413,

THE TOMBS COURT.

Dull Day-Robberice from the Person Judge Hogan presided at the Tombs Police Court yesterday and had before him the usual number of blear-eyed vagrants and petty offenders. The pro-ceedings of the day were barren of incidents of an interesting character, with the exception of three

BOBBING A FELLOW LODGER.

John Mulien and William A. Aughtenson are fellow boarders at the house of Mrs. E. Cummerfort, No. 307 Pearl street, and both appeared before the Judge, the former as a prosecutor, the latter as a prisoner. Mulien charges that on the 1st instant, at one o'clock P. M., he left in his trunk \$56 in cash and a gold enain worth \$25, and on return ing home at five P. M. discovered it had taken its departure. Aughternon being charged with the of fence, denied being in the house between one and four o'clock, whereas the landlady and Joseph Kenfound in William's value, five days afterward, a key that fits the look of Mulien's trunk. Aughternoo

that fits the look of Mulien's trunk. Aughternon was committed in default of \$1,000 ball, the evidence being rather strong against him.

\*\*ELECTING A GERMAN.\*\*

Caspar Fleitcher, a Hudson street butcher, met in the Fourth ward on Tuesday Louis Demelert, of 475 Pearl street, became very loquacious and officious, and finally invited him to smile over the counter of a groggery at No. 13; New Chambers street. While the two gentlemen of bibulous procilyities were partaking of their ilquids Louis asserts that Casper robbed him of \$20 and a \$20 silver watch that were in his coat pocket. On being energed with the offence before the Court the accused entered a plea of not guilty, and was held in \$500 ball to answer.

\*\*A RUBALEST FLEECED.\*\*

guity, and was held in \$500 ball to answer.

A RUMALIST PLEECED.

Michael Kennedy, from the country, who is now boarder at the House of Detention, yesterday met pedier named Richard Harkins, of 181 Baxterstreet who invited him into an underground crib to drink while there bichael missed \$20 from his pocket, ac cused Harkins of the robbery, was knocked down for his impertinence; but Officer Ely came to the reacue and arrested the pedier, who was held in \$1,000 for trial.

CONFESSION OF A NEGRO MUR-DERES.

The Crime Committed Nearly Two Years and

The Crime Committed Nearly Two Years and a Half Ago.

[From the Springfield (Ohio Advertiser, Dec. 2.] It is so ordered in the economy of man that crime cannot be concealed forever. Years slip away and the deed is known only to God and the perpetrator, and, when the efforts of the authorities have been in value, then remorse of conscience begins its work and the deed is revealed by confession. In the case which we are about to relate it seemed so improbable that a confession would be made that when information was piaced before the Grand Jury of Clarke county, based upon the confession of the individual who is mentioned here, the Said jury would not return a true bill. Further particulars lead to the belief that the following are facts, and establish beyond doubt that the murderer of Mrs. Ormsbee is discovered:—

Sherif Colin, at the Ohio State Penitentiary, yesterday, received the confession of a negro who declared himself the murderer of Mrs. Ormsbee, on the lath of July, 1863.

Our chizons will remember this fearful tragedy. A bright summer morning the city was startled with the news that a widow lady had been shot dead in her house in broad daylight, and that the cold-blooded villain, after committing the dastardy deed, had walked a short distance from the house stopped under a tree, looked back at the house and then turned again and coolly waiked off. The particulars of the murier are about as follows:—The family in the house on the night of the 18th of July, was Mrs. Barnett, an aged widow lady, about seventy years old, her daughter, Mrs. B. A. Ormsbee, also a widow, aged forty-three, two sons of Mrs. Ormsbee, Denjamin and Richard.

On Tuesday night, July 12, 1859, Mrs. Barnett and Mrs. Ormsbee, Denjamin and Richard.

On Tuesday night, July 12, 1859, Mrs. Barnett and mrs. Ormsbee skept in the bedroom on the first door and the two boys slept in a room up stairs. In the morning Mrs. Ormsbee contained, when suddenly Mrs. Ormsbee axelatimed, when suddenly Mrs. Ormsbee wkalamed.

past four clock, and stepped made name the prometer who was awake, but still in bed, made some remark about the household arrangements as she passed out of the room. A mement clapsed, when suddenly Mrs. Ormstee was heard to scream. A snot instantly followed, and Mrs. Ormstee exclaimed, "Oh! mother!" Mrs. Barnett and Mrs. Ormstee som, Benjamm, immediately rushed to the spot, the latter from the room up stairs. Benjamin reached the window in time to see a man about twenty paces distant from the house walking away. As the boy looked out the man turned, gazed at the window where Mrs. Ormstee lay dead, and then turned and walked away, going north a short distance, then turning west through a potato patch and going towards Warder's woods.

It is well known that great effort was made to secure the murderer, that rewards were offered and detectives secured to bring the perpetrator to justice. Saspicion fell upon thenry Ormstee, a stepson of Mrs. Ormstee, who resided in Cynthiana. Kentucky, and William Scott. of this city, was sentinere to ascertain the truth about the matter. He found that he had not left the place where he had been working at the time the murder was committed, since the 6th of July, and hence could not have been in this city at the time. A clear and unmistakable alibi was ascertained in this case. Starting conjectures were started from time to time, but the evidence was fragmentary and scarcely tangible. B. H. Warder secured a detective at his own expense to ferret out the murderers. During last spring some mitelifigence came to the Prosecuting Altorney and Sheriff, which pointed in an entirely different direction. It was spring some colored people in South Charleston fragments of a confession which had been made to secure this colored man hot them. The Sheriff endeavored to secure this colored man to them. ments of a confession which had been made by a colored man to them. The Sheriff endeavored to so care this colored man, but was unable to do so, a he was of a roving disposition and remained but short time in one place.

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Some time ago word was sent to the Sheriff from the Peniteutiary that a man was imprisoned thero who had something of importance to communicate. The sheriff was at the Peniteutiary yesterday delivering over to the Warden Matthew Carlos and William Gibbous, iound guilty of burglary. While there he caffed the attention of the Warden to the word he had received, and asked to see a colored man named Charles Bell. The Warden complied with his request, and brought out a young colored man, aged about twenty years, very brown in color, henvy, thick lips and beastly features; his short, wooliy hair coming down over his forehead nearly to his eyes, shutting out all idea of intelligence or the higher virtues.

In accordance with the desire of the Sheriff the negro, who gave his name as Charles Bell, began his confession, which was heard by Sheriff Coffin, Deputy Sheriff Boggsand the Warden.

CONFESSION.

He began by saying that he and a white man, whose name he did not know, but who was in the habit of loading about the Western House, had heard that Mrs. Ormstee had received \$500 and had it in the house that hight. They uncrefore contrived a plan of robbing her of it. They wated until about hine o'clock at night, and then after drinking considerable, started on their way to her residence. They arrived there about ten o'clock but found that the lamily were still up, as a light was burning in the house. So they went over to Greenmount Cemetery. There they laid down to wait a few hours until they could proceed with greater safety. Overcome, however, by the liquor they had drank, they fell asleep, and Bell said that when he awoke it was daylight and the chickens were crowing. They then arose and proceeded quietly to the house, which they entered from the window on the north side of the nouse, which they entered from the window on the north side of the nouse and passed through the authorites illusted proving the same of the house with him had then they

a store; was arrested, found guilt, and sent to the pontienliary for the term of sixueen years for grand larceny. He said he was a native of Kentucky, and had been here about a year. The pistol with which he had committed the deed of blood had been given to him by a colored man of this place by the name of George Brown. Bell stated that he wanted to make this confession because he did not feel right since he had done it; it hung heavily upon his conscience and he thought he wound feel better if he should unburden himself to the authorities.

Sheriff Could said that he described the premises with precision, and is without doubt the cold-blooded, hearliess murderer of arts. Ormsbee.

AID FOR THE OHICAGO SUFFERERS. In yesterday's HERALD It was announced that the sum of £1,420 15 "had been remitted by the London Corn Trade through Messrs. Howland and Aspin wall, of this city, for the relief of the Western fire

## PRIZE FIGHTERS IN COURT.

Edwards and Collins Brought Up on Habeas. Corpus and Diretarged from Custody.

Argument of Counsel and Judge Ingraham's Decision.

There was rejoicing yesterday among the friends of the two noted puglists, Billy Edwards and Tim Col-lins, over their release from the rather inhospitable island where they had been vegetating months past, by sentence of Judge Dowling, in the Special Sessions, who sent them up there immediately after their little fisticus exhibition on Long Island. It will be recollected that the two gladistors were sentenced to the island for twelve month

each and to a pay a fine of \$1,000.

Their counsel, Mr. W. F. Howe, has been unceasing in his efforts to secure their release, and argued in an appeal by certiorari that there was no proof

in which Collins and Edwards are alleged to have appeared as principals nad ocen set on foot or arranged in this city or county; the only proof to that effect being that other persons were driven in a carriage from New York to the place where the prize fight took place; that, therefore, there was no jurisdiction in the County or City Court, and, second, that one judge could not, sitting alone, convict at the Court of Special Sessions.

ferm of the Supreme Court, having announced their readiness to listen to argument of cou criminal cases, District Attorney Sullivan rose and

their readiness to listen to argument of counsel in criminal cases, District Autorney Sullivan rose and stated that he was ready to proceed with the case of the certiforari of Collins and Edwards, convicted in the Court of Special Sessions, before Judge Dowling, for prize fighting.

Mr. Howe, counsel for the mutual friends, so late hostile combatants, having with his usual ponderous sanghoid, got upon his legs, proceeded to address the Court in support of the points raised by him on behalf of his clients, and according to which, as he contended, they were llegally held in custody. He first cailed the attention of the Court to the various statutes organizing the Special Sessions at which they had been convicted, elaborating upon the jurisdiction of that Court in criminal cases. Mr. Howe contended that all the evidence developed against his clients to prove that any offence was committed by them was that of a witness who showed the misdemeanor of which they had been convicted to have been committed in Queens county, L. L. which made it clearly apparent that the Court of Special Sessions of the city and county of New York had no jurisdiction to try or convict them, and upon this state of facts he called for a reversal of the decision of that Court.

Assistant District Attorney Sullivan contended that the fight was set on foot here, and claimed that the Court of Special Sessions.

The Justices then deliberated and Justice Ingraham proceeded to deliver us optinon.

The Court held that Mr. Howe's point was well taken, and that the conviction was lilegal, and that the prisoners should not have been held a day on such a conviction. It was, therefore, unanimously reversed.

Mr. Howe then hadded up his writ of habeas corress and eaked that Edwards and Gollins he imme.

such a conviction. It was, therefore, duminious, reversed.

Mr. Howe then handed up his writ of habeas corpus, and asked that Edwards and Collins be immediately discharged from custody.

This motion was also granted, and the PRIZE FIGHTERS LEFT THE COURT ROOM FREE MEN.

They grasped their counsel by the hand and thanked him for his diligence and success, and also, after being congratulated by their numerous Friends, fervently praised Harry Hill for the interest he had taken in their behalf. They both yow never again to enter the prize ring.

When the devil was sick the devil a saint would be;

When the devil was sick the devil a saint would be; When the devil was well the devil a saint was he.

BROOKLYN AFFAIRS.

A fire broke out on board the ship Pearl of India lying at the docks of the Empire Stores foot of Main street, shortly after four o'clock yesterday morning. The captain of the vessel, Duncan Johnson, states that he was awaked in his stateroom, of the after cabin, by suffocation, but cannot account for the origin of the fire. Henry Ferguson & Oo., of Greenock, Scotland, are the owners of the vessel, and E. E. Morgan & Sons the agenus. The Fire Department was prompt in arriving on the scene of action, and through their exertions the ship was saved from total destruction. The loss is estimated at about three thousand dollars, of which amounts the captain and first officer loss \$1,000 in ciothing and books. morning. The captain of the vessel, Duncan John

There were 149 deaths in Brooklyn last week, being a decrease of 34 as compared with the preceding week. Of the deceased 41 were men. 24 women, 46 boys and 38 girls; 21 were under 12 months, and 11 were between the ages of 60 and 60 years, while 2 were upward of four score years; 97 were natives of the United States, 24 of Ireland, 17 of Germany, 7 of England, 2 of Nova Scotia, 1 of Scotland and Newfoundland respectively. The causes of death enumerated are as follows:—Smallpox, 6; croup, 15; consumption and diseases of brain, 17; scarlatina, 8; debliity, 3; apoplexy, 3; marasmus, 8; whooping cough and disease of kidneys, 4 each; disease of kidneys, 4 each; disease of liver, old age, dropsy, cancer, laryngitis and erraipelas, 2 each; tophold fever and scrotlas, 2 each; convuisions, 11; pneumonia, 17; disease of heart, 4; pyenia, dysentery, remittent fever, tetanus, peritonitis, suicide, rheumatism, pleurisy, injuries, 1 each. The highest death rate was attained in the Sixteenth ward, where the number was nineteen; there was only one death in the First ward.

Thomas Johnson, a patroiman of the Third pre-cinct police, was resterday summarily dismissed from the department by the Police Commissioners, and it served him right. The accused, who is a married man and the father of a family of grown married man and the father of a family of grows up children, was charged with immoral conduct, which could not certainly ald in enhancing the moral status of the force with which he has been for some time past connected. The complaint was that a few moralings ago, while patrolling Union street, he was accessed by a woman named Coaroy, who solicited money to help her to maintain a child, of which he should be the natural guardian. He kicked and knocked her down. She screamed and acratched his face, and he took her into custody, alleging that she was intoxicated. The following moraing Capitain Ferry, learning "the situation," preferred charges against oilier Johnson. It was shown on the trial that Thomas Johnson had maintained an illicit intimacy with the unfortunate woman, by whom he has two children. He insisted that Miss Conroy was intoxicated at the time he took her into custody, but this assertion was disproved.

Police Punishment. Sergeant Dobbin, of the Third precinct police who was charged by citizen John F. Montrose with "disobedience of orders," in refusing to allow him to be present at the canvassing of the votes cast at the polling place of the Sixth district of the Sixth the polling place of the Sixth district of the Sixth ward on election day, was jesterday sentenced. The decision of the Board of Police Commissioners is that "every person has a right to be present at the canvassing of the votes as long as they behave in a peaceable and orderly manner, and the police are bound to protect them. It was not shown in the evidence that Mr. Montrose was not having in other than a peaceable and orderly manner when he sked Dobbid, at the closing of the polis, to be allowed to enter and witness the canvassing of the votes. The sergeant's exques of explanation, that he did so in order to allow the inspectors an opportunity to arrange their table and boxes, and that as soon as that was done he let the gentleman in, would seem to indicate that he assumed very much more responsibility than he had any right to do, and acted in a manner directiv contrary to the rules of the department, and the Board then reprimanded Sergeant Dobbin, and lined hun seven day's pay.

DESTRUCTIVE FIRE IN WILLIAMSBURG

Destruction of Tenemont Houses and Factories—Several Families Rendered Homeless

ries—Several Families Rendered Homeless—Loss Over \$20,000.

Yesterday morning, at about four o'clock, an extensive conflagration occurred in Williamsburg, by which several poor families were rendered homeless and much property destroyed. The scene of the fire was on the block bounded by Montrose and Johnstone avenues and Ewon and Leonard streets. The property destroyed includes three frame buildings, located on the lois in roar of Montrose avenue, and four story brick front tenements. All of these structures were owned by Mr. Jacob Keller, with the exception of one of the frame tenements, owned by A. Keswald. The fire originated in one of their eart buildings, which was used as a shoe factory by Mr. George Kumpf, and spread with great rapidity to the adjoining premises. Mr. keller's loss amounts to \$27,000, on which there is an insurance of \$17,000, in the Continental, Williamsburg City and Humboldt Fire Insurance Companies. Mr. Neswald's loss was \$1,000, on which there is no insurance.

The devastation of the structures was complete, and twenty poor families, numbering over one than dred persons, had barely time to escape, and ioss almost an their effects. Notwithstanding the obstacles presented by the extreme coinces of the weather the Fire bepartment succeeded in arresting the progress of the fames, and prevented what might have become "wide-spréad conflagration."